

REMARKS

This is a full and timely response to the outstanding final Office Action mailed March 15, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, 29-33, and 36-41

Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, 29-33, and 36-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,717,923) in view of Sullivan, et al. ("Sullivan," U.S. Pat. No. 6,542,898). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or

references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, there at least is no suggestion or motivation in the prior art to modify Dedrick with the teachings of Sullivan.

1. The Dedrick Disclosure

Dedrick discloses a system for dynamically customizing electronic information for end users. More particularly, Dedrick discloses a system for customizing advertisements to be provided to the end users. See Dedrick, column 1, lines 34-36. As is described by Dedrick, a publisher/advertiser 18 is provided that comprises "software tools" that create electronic information, i.e., content and advertisements, that can be transmitted to the end users. Dedrick, column 4, lines 11-13. The software tools are configured to embed consumer variables within the electronic information transmitted to the end user for the purpose of customizing the electronic information. Dedrick, column 4, lines 24-26.

The electronic information transmitted by the publisher/advertiser is received by a session manager 29 that is provided on the client system of the user (i.e., the user's personal computer ("PC")). Dedrick, column 5, lines 24-26; Figure 2. The session manager 29 on the user's PC then forwards the electronic information to a client interface 23 via a content adapter 25, which is also provided on the user's PC. Dedrick, column 5, lines 26-28; Figure 2. The client adapter 25, with reference to a personal profile database 27 also stored on the user's PC, then modifies the electronic

information to customize the information for the user. Dedrick, column 5, lines 28-30; Figure 2.

Examples of the nature of the “customization” that is performed by the content adapter 25 on the user’s PC are described in column 5. In one example, the electronic information includes a consumer variable that pertains to a color of the electronic information. Dedrick, column 5, lines 40-42. If the personal profile database indicates that the user prefers a color other than a default color of the electronic information (e.g., advertisement), the color of the electronic information is changed to the preferred color by the content adapter. Dedrick, column 5, lines 42-47. In another example, the electronic information includes a consumer variable that pertains to a consumption format. Dedrick, column 5, lines 47-52. If the default consumption format is video, but the user prefers audio, the content adapter delivers an audio format of the electronic information to the user instead of the video format. Dedrick, column 5, lines 47-52.

2. The Sullivan Disclosure

Sullivan teaches a system in which technical support is provided to a user. Sullivan describes use of the system in columns 6-9. As is described by Sullivan, a user having difficulty with completing an action (e.g., opening Microsoft Word™) requests technical support. Sullivan, column 6, lines 57-59. That action brings up a technical support interface that presents a list of problem areas that the user can select. Sullivan, column 7, lines 3-6. Once the user selects a problem area, the user is prompted to provide a brief description of the problem that is being encountered. Sullivan, column 7, lines 7-9. Next, the user’s web browser is launched. Sullivan, column 7, lines 20-21.

A self-help home page is then presented in the user’s web browser. Sullivan, column 7, lines 44-47. From this point further, the user simply selects links presented in

one or more web pages to obtain information that may help the user solve the problem that is being experienced. Sullivan, column 7, line 47 to column 9, line 22. Ultimately, a self-help results page is presented to the user. Sullivan, column 9, lines 23-35.

3. Discussion of the Rejection

Applicant's claims describe methods, systems, and computer readable media for providing personalized customer support. For example, independent claim 1 provides as follows (emphasis added):

1. A method for providing personalized customer support, comprising:

receiving customer information from a customer, the customer information including information as to products that the customer uses;

creating a profile for the customer that includes the received customer information;

evaluating the customer information contained in the profile;

identifying customer support information specifically relevant to the products that the customer uses; and

presenting the customer support information to the customer in at least one personalized web page.

In rejecting claim 1, the Office Action begins by stating that Dedrick discloses a "method for providing personalized customer support." This is untrue. As is described in detail above, Dedrick discloses a system for customizing advertisements to be provided to the end users. Nothing within the Dedrick disclosure concerns providing customer support, be it customized or not.

Later in the rejection, the Office Action states that Dedrick teaches evaluating customer information contained in a profile and presenting “customer support information to the user in at least one personalized web page”. As a first matter, the Dedrick system does not present any customer support information to a user. Furthermore, the Dedrick system does not present such customer support information, or other information, to a user in a “personalized web page”. Although Dedrick contemplates modifying pieces of electronic information that are presented to a user (e.g., changing the color or consumption format of an advertisement), nowhere does Dedrick teach or suggest that a “personalized web page” is presented to a user.

For at least the above reasons, the rejection is flawed and should be withdrawn.

Continuing on with the statement of the rejection contained in the Office Action, it is next admitted that Dedrick fails to teach (i) receiving information as to what products the customer uses, and (ii) identifying customer support information specifically relevant to those products. That Dedrick does not teach those aspects is understandable given that, as is noted above, Dedrick is not concerned with providing customer support to a user. To address these deficiencies of the Dedrick reference, however, the Office Action relies upon the Sullivan reference. Oddly, however, the Office Action alleges that it would have been obvious to a person having ordinary skill in the art to modify “the method of Burkey with the teachings of Chen to provide customer support for computer products that the customer uses.” Given that several of Applicant’s claims are later rejected under Burkey and Chen, it appears that the above explanation of the obviousness of Applicant’s claims was provided in error. Regardless, Applicant asserts that this error has resulted in an omission of the reasoning as to why Applicant’s claim 1 would have been obvious in view of Dedrick in combination with Sullivan. The Office Action therefore *per se* fails to make a *prima facie* case of

obviousness as to claim 1. Applicant requests that the final status of the rejections against Applicant's claims be removed and a proper rejection issued so that Applicant may have a full opportunity to respond to the rejections that are being made against Applicant's claims.

Given that the basis for the holding of obviousness of Applicant's claim in view of Dedrick and Sullivan cannot be determined from Office Action, Applicant cannot present an argument to refute the obviousness allegation. Applicant states for the record, however, that a combination of the teachings of Sullivan and Dedrick is not warranted. Again, as is noted above, Dedrick discloses a system for customizing advertisements to be provided to the end users. Dedrick makes no mention of providing customer support. Therefore, a person having ordinary skill in the art would not think to add features from Sullivan's system to Dedrick's system. Indeed, given the lack of a suggestion or motivation contained in the references themselves for the proposed modification, it appears clear that the only suggestion or motivation comes from Applicant's own disclosure. As is well established in the law, such hindsight to the Applicant's own disclosure is *per se* improper. *See Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness cannot be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

In view of the foregoing, Applicant's claim 1, and claims 3-7, 9-10, and 36-41 which depend from claim 1, are allowable over Dedrick and Sullivan. Applicant therefore respectfully requests that the rejection be withdrawn.

Turning to Applicant's other claims, Applicant notes that independent claims 11, 21, and 31 contain limitations that are not rendered obvious by Dedrick and Sullivan. Regarding claim 11, the Dedrick/Sullivan combination suggested in the Office Action at

least does not teach or suggest “means for receiving customer information that includes information as to products that the customer uses”, “means for identifying customer support information specifically relevant to the products that the customer uses” or “means for presenting the customer support information to the customer in at least one personalized web page”. Claims 11, 13-17, and 19-20 are allowable for at least these reasons.

Regarding independent claim 21, the Dedrick/Sullivan combination suggested in the Office Action at least does not teach or suggest “logic configured to receive customer information from a customer, the customer information including information as to products that the customer uses”, “logic configured to identify customer support information specifically relevant to the products that the customer uses”, or “logic configured to present the customer support information to the customer in at least one personalized web page”. Claims 21, 23-27, and 29-30 are allowable for at least these reasons.

Finally, regarding independent claim 31, the Dedrick/Sullivan combination suggested in the Office Action at least does not teach or suggest “receiving information from a customer about the products the customer uses, the customer’s business, and the customer’s level of technical expertise”, “retrieving customer support information modules that are specifically relevant to the customer profile and therefore the products the customer uses, the customer’s business, and the customer’s level of technical expertise”, or “automatically generating a personalized web page containing the retrieved customer support information”. With particular regard to the first and second limitations, neither Dedrick nor Sullivan teach or suggest receiving information about the customer’s business on level of technical expertise. Although Sullivan does state that the support information that is presented to a user may depend

upon the “audience” to which the user belongs, the user does not provide and the system does not receive information as to the customer’s level of technical expertise. Instead, the user is categorized, for instance during configuration of the user’s system in a business environment (column 10, lines 61-65), as being part of a given audience, and therefore has limited rights to view the support information. In view of the above, claims 31-33 are allowable over Dedrick/Sullivan.

In summary, it is Applicant’s position that a *prima facie* for obviousness has not been made against Applicant’s claims. Therefore, it is respectfully submitted that each of these claims is patentable over Dedrick and Sullivan, and that the rejection of these claims should be withdrawn.

4. Reply to Examiner’s Response to Arguments

In the Response to Arguments section of the Office Action, the Examiner states that the Applicant’s recitations of “personalized customer support” have not been given patentable weight because those recitations appear in the preambles of the claims. Applicant traverses.

In the present case, Applicant does not only discuss “customer support” in its claim preambles. To the contrary, Applicant explicitly claims “customer support information” in the bodies of each its independent claims. Take claim 1 for example. That claim recites a “method for providing personalized customer support” that comprises the action of “identifying *customer support information* specifically relevant to the products that the customer uses” and “presenting the *customer support information* to the customer in at least one personalized web page” (emphasis added). These recitations of “customer support information” are explicit limitations contained in the claim that cannot be ignored when judging the patentability of the claim.

Notably, similar recitations of “customer support information” are contained in the bodies of Applicant’s other independent claims 11, 21, and 31.

In view the Office Action’s disregard for Applicant’s explicit limitations, the rejections of Applicant’s claims are *per se* improper and should be withdrawn.

B. Rejection of Claims 34-35

Claims 34-35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick in view of Sullivan and in further view of Moshfeghi, et al. (“Moshfeghi,” U.S. Pat. No. 6,076,166). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claim 33, the Dedrick/Sullivan combination does not render obvious several limitations contained in claim 33. In that Moshfeghi does not remedy the deficiencies of that combination, Applicant respectfully submits that claims 34-35, which depend from claim 33, are allowable over the Dedrick/Sullivan/Moshfeghi combination for at least the same reasons that claim 33 is allowable over Dedrick/Sullivan.

C. Rejection of Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, and 29-41

Claims 1, 3-7, 9-11, 13-17, 19-21, 23-27, and 29-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Burkey, et al. (“Burkey”, U.S. Pat. No. 6,446,076) in view of Cheng, et al. (“Cheng,” U.S. Pat. No. 6,457,076). Applicant respectfully traverses this rejection.

1. The Burkey Disclosure

Burkey discloses a web-based agent system. One aspect of the system is a personal web site application (“mySite!”). Burkey, column 28, lines 32-33. As is

described by Burkey, the mySite! application is “focused on the theme of delivering services and providing a personalized experience for each customer via a personal web site in a buyer-centric world.” Burkey, column 28, lines 34-38. In the columns that follow, Burkey describes the mySite! application as a mechanism for providing information to customers so as to facilitate *purchase* of new products and services over the Internet. See Burkey, column 28, line 38 to column 34, line 35.

2. The Cheng Disclosure

Cheng discloses a system for updating software on client computers. As is described by Cheng, a service provider computer system stores an update database about software updates of various software vendors. Cheng, Abstract. The client computers determine the software components that are installed on the computers, determine what updates are available from the service provider computer system, and permit the users to select updates for installation. Cheng, Abstract.

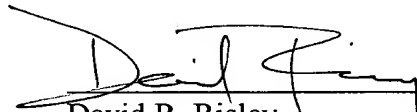
3. Discussion of the Rejection

As can be appreciated from the foregoing, neither Burkey nor Cheng concern or discuss providing “customer support” or “customer support information”. Presumably, these references are cited against Applicant’s claims given that no patentable weight was given to Applicant’s recitations of “customer support information”. As is noted above, however, the Office Action’s disregard for those recitations is improper at least because “customer support information” is explicitly claimed multiple times in each of Applicant’s independent claims. Given that Burkey and Cheng fail to address those explicit limitations, the rejection fails to state a *prima facie* case for obviousness of any of Applicant’s independent claims. Therefore the rejection should be withdrawn.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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